IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2672 OF 2002
AND
CHAMBER SUMMONS NO.152 OF 2009
IN
WRIT PETITION NO.2672 OF 2002

The New Usha Kiran Co-op. Hsg.
Society Ltd. & others. ...Petitioners

vs.

The State of Maharashtra & Anr. ...Respondents

AND

WRIT PETITION NO.2673 OF 2002

Normandie Co-op. Hsg.
Society Ltd. & others. ...Petitioners

vs.

The State of Maharashtra & Anr. ...Respondents

AND

WRIT PETITION NO.1153 OF 2003

Tardeo Haji Ali Resident
Association & others. ...Petitioners

vs.

The State of Maharashtra & ors. ...Respondents

AND

WRIT PETITION NO.2000 OF 2003
&
CHAMBER SUMMONS NO.159 OF 2009
IN
WRIT PETITION NO.2000 OF 2003

Anand Kamal Co-op. Hsg.
Society Ltd. & Another. ...Petitioners

vs.

The State of Maharashtra & ors. ...Respondents

Mr.Soli Cooper with Mr.Gautam Patel, Mr.Z.A.Jariwala & Ms.Mahek Bookwala i/b. M/s.Thakore Jariwala & Associates, for Petitioners in WP 2672/02 & WP 2673/02.

Mr.C.U.Singh, Sr. Advocate i/b. Mohana Nair, for Petitioners in WP 2000/03.

Mr.G.Hariharan, for Union of India-Respondent no.10 in WP 2672/02.

Mr.Ravi Kadam, Advocate General with Mr.G.D.Utangale, for SRA i/b. Utangale & Co.

Mr.G.W.Mattos, AGP for Respondent nos.1,5,6 & 8.

Mr.Iqbal Chagla, Sr.Advocate i/b. Mr.D.J.Khambata i/b. Law Charter, for Respondent no.7 in WP 2672/02, WP 2673/03 and for Respondent no.9 in WP 2000/09.

Dr.Milind Sathe, Sr.Advocate i/b. Akshay Wani, for Intervener.

Ms.S.M.Modle, for BMC.

CORAM: D.K.DESHMUKH &
R.S.MOHITE, JJ.

DATED: 24th June,2009.

P.C.:-

1. After having heard these petitions at length, by consent of parties, the following order is passed:-

2. All the parties agree to accept the Report dated 31.10.2004 formulated by the I.I.T. Committee and filed in Writ Petition no.2672 of 2002.

3. On taking instructions, the learned Counsel appearing for the Petitioners in the aforesaid Writ Petitions and the Developer S.P.Corporation Pvt.Ltd. i.e. Respondent no.7 in Writ Petition no.2672 of 2002 state that

(i) their clients agree and undertake to take necessary steps to implement the remedial measures as contained in Chapter 8 of the

I.I.T.Committee Report, within the area under their occupation;

(ii)that their clients agree and undertake to commence these remedial measures immediately after the end of this monsoon and to complete the same within a period of six months from the date of commencement, on priority basis.

4. Since the Counsel appearing for Petitioners have contended that the need for further remedial action, should be considered, the Advocate General states that within a period of two weeks from today the State of Maharashtra will appoint an Officer not below the rank of Chief Engineer, to receive representations from the Petitioners in this regard. The Petitioners agree to file either an individual or joint representation to such an appointed Officer within a period of two weeks, from the date of intimation of the name of the Officer appointed.

5. It is agreed that the appointed Officer will

furnish copies of such representations to the S.R.A. as well as to the developers and after hearing them or any expert produced on their behalf, will decide, if any remedial action, in addition to the remedial action suggested by the I.I.T. Committee, are necessary. If he thinks that further remedial action is necessary, he will communicate the same to the parties, who accordingly should implement such additional remedial action.

6. The parties agree that the findings of the Officer appointed will be binding on them and if such remedial actions are communicated to them by the appointed Officer, they agree and undertake to carry out and complete the same within a period of six months from the date of communication by the appointed Officer.

7. It is agreed that the Officer appointed by the State Government will complete the exercise of hearing the parties and suggesting additional remedial measures, if any, as expeditiously as possible.

8. It is agreed that the appointed Officer will also supervise the implementation of the remedial measures as suggested by the I.I.T. Committee as well as the additional remedial measures, if any, suggested by him.

9. It is made clear that the hearing contemplated in Clause (5) will not include the right to lead oral evidence. All the statements made and undertakings given are accepted and in view of such acceptance, the Writ Petitions stand disposed of.

10. By consent of parties, Chamber summons no. 152/09 in Writ Petition no.2672/02 is granted in terms of prayer clause (a).

11. By consent of parties, Chamber summons no. 159/09 in Writ Petition no.2000/03 is granted in terms of prayer clause (a).

12. All other Notices of motion and Chamber

summons pending in these writ petitions are also disposed of, in view of the order passed in Writ Petitions.

(D.K.DESHMUKH, J.)

(R.S.MOHITE, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1249 OF 2003

ALTAMOUNT ROAD AREA CITIZEN COMMITTEE & ORS. ...Petitioners

vs.

The State of Maharashtra & Anr. ...Respondents

Mr.C.U.Singh, Sr. Advocate i/b. Ravi Goenka, for Petitioners.

Mr.G.Hariharan, for Union of India.

Mr.G.W.Mattos, AGP for Respondent nos.1,5,6 & 8.

CORAM: D.K.DESHMUKH &
R.S.MOHITE, JJ.

DATED: 24th June,2009.

P.C.:-

1. The learned Counsel appearing for petitioners states that his part of the property is not affected

by the present development and therefore, he seeks leave of the Court to withdraw the petition. The petition is allowed to be withdrawn with liberty to approach again, if necessary.

(D.K.DESHMUKH, J.)

(R.S.MOHITE, J.)